

# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference A2004/00080	<b>FOR FURTHER ACTION</b>	See item 4 below
International application No. PCT/AT2005/000004	International filing date ( <i>day/month/year</i> ) 14 January 2005 (14.01.2005)	Priority date ( <i>day/month/year</i> ) 23 January 2004 (23.01.2004)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant GREINER BIO-ONE GMBH		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).

2. This REPORT consists of a total of 8 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- |                                     |              |   |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the report   |
| <input type="checkbox"/>            | Box No. II   | Priority  |
| <input type="checkbox"/>            | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  |
| <input checked="" type="checkbox"/> | Box No. IV   | Lack of unity of invention  |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/>            | Box No. VI   | Certain documents cited   |
| <input type="checkbox"/>            | Box No. VII  | Certain defects in the international application  |
| <input type="checkbox"/>            | Box No. VIII | Certain observations on the international application   |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

Date of issuance of this report  
14 December 2006 (14.12.2006)

Authorized officer

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Form PCT/IB/373 (January 2004)

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

**TRANSLATION**  
**PCT**

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:		<b>See form PCT/ISA/210</b>
Applicant's or agent's file reference <b>A2004/00080</b>		<b>FOR FURTHER ACTION</b> See paragraph 2 below
International application No. <b>PCT/AT2005/000004</b>	International filing date (day/month/year) <b>14.01.2005</b>	Priority date (day/month/year) <b>23.01.2004</b>
International Patent Classification (IPC) or both national classification and IPC <b>B01L3/14, B67B3/20, B65B7/28, B67B3/00, B67B3/10</b>		
Applicant <b>GREINER BIO-ONE GMBH</b>		

1. This opinion contains indications relating to the following items:

- |                                     |              |  |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the opinion   |
| <input type="checkbox"/>            | Box No. II   | Priority   |
| <input type="checkbox"/>            | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability   |
| <input checked="" type="checkbox"/> | Box No. IV   | Lack of unity of invention   |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/>            | Box No. VI   | Certain documents cited  |
| <input type="checkbox"/>            | Box No. VII  | Certain defects in the international application   |
| <input type="checkbox"/>            | Box No. VIII | Certain observations on the international application  |

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
☐ This opinion has been established on the basis of a translation from the original language into the following language  
\_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material  
☐ a sequence listing  
☐ table(s) related to the sequence listing
  - b. format of material  
☐ in written format  
☐ in computer readable form
  - c. time of filing/furnishing  
☐ contained in the international application as filed.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. IV

Lack of unity of invention

1. ☐ In response to the invitation (Form PCT/ISA/206) to pay additional fees the applicant has:
- ☐ paid additional fees
  - ☐ paid additional fees under protest
  - ☐ not paid additional fees
2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is
- ☐ complied with
  - ☐ not complied with for the following reasons:

This Authority has determined that this international application contains multiple inventions or groups of inventions that are not linked to form a single general inventive concept (PCT Rule 13.1), namely:

I: Claims 1-75, 92-107

II: Claims 76-91

The only same or corresponding technical feature shared among the above independent claims of the application is a receptacle. Therefore, there is no unity of invention among the aforesaid groups of claims as required by PCT Rules 13.1 and 13.2, neither in respect of the special technical features nor as regards the problems being solved.

4. Consequently, this opinion has been established in respect of the following parts of the international application:

- ☐ all parts
- ☐ the parts relating to claims Nos. \_\_\_\_\_

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**Box No. V** Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability:  
citations and explanations supporting such statement

**1. Statement**

Novelty (N)	Claims _____	YES
	Claims _____	NO
Inventive step (IS)	Claims _____	YES
	Claims _____	NO
Industrial applicability (IA)	Claims _____	YES
	Claims _____	NO

**2. Citations and explanations:**

**1.0** Reference is made to the following documents:

D1: US 6 006 930 A (DREYER ET AL) 28 December  
1999 (1999-12-28)

D2: US 5 967 352 A (REPP ET AL) 19 October 1999  
(1999-10-19)

D3: US 4 948 001 A (MAGLY ET AL) 14 August 1990  
(1990-08-14)

D4: US 5 858 141 A (REPP ET AL) 12 January 1999  
(1999-01-12)

D5: US-B1-6 516 953 (DICESARE PAUL C ET AL) 11  
February 2003 (2003-02-11)

D6: US-B1-6 406 671 (DICESARE PAUL C ET AL) 18  
June 2002 (2002-06-18)

**2.0** INDEPENDENT CLAIMS 1, 19, 40, 76, 95

**2.1** The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claims 1, 19, 40, 76, 95 is not novel within the meaning of PCT Article 33(2).

**2.2** **Document D1** discloses (the references between parentheses apply to said document):

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Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability:  
citations and explanations supporting such statement

2.3 [Claim 19]

A cap (11) for forming a sealing device (1), said cap comprising a cap sheath, two end portions at a distance from each other in the direction of a longitudinal axis and at least one first part of a thread arrangement (13) disposed on an inner surface of the cap sheath, characterised in that a pitch angle of at least one thread of the thread arrangement is selected from a range between a lower limit of  $2^{\circ}$  and an upper limit of  $30^{\circ}$  relative to a plane aligned perpendicularly to the longitudinal axis (D1, column 2, lines 40-41: within the range  $3^{\circ}$  to  $4^{\circ}$ ).

2.4 [Claim. 40]

A receptacle (1 a), said receptacle having two ends at a distance from each other in the direction of a longitudinal axis and said receptacle bounding an inner chamber, wherein at least one of the two ends has an open front side that can be sealed by the openable sealing device (1) and at least a second part of a thread arrangement (3) is disposed on an outer surface of the receptacle, characterised in that a pitch angle of at least one thread of the thread arrangement is selected from a range between a lower limit of  $2^{\circ}$  and an upper limit of  $30^{\circ}$  relative to a plane aligned perpendicularly to the longitudinal axis (D1, column 2, lines 40-41: within the range  $3^{\circ}$  to  $4^{\circ}$ ).

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Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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2.5 [Claim 95]

A storage device comprising at least one cap (11), a sealing device retained therein ("secure interlock and force fit", column 2 lines 9-11) and a receptacle (1 a), characterised in that the cap is configured according to claim 19 and the receptacle is configured according to claim 40.

2.6 [Claim 1]

A method for the assembly of a cap (11) of a sealing device with an open end of a receptacle (1 a), in which a relative turning or pivoting motion between the cap and the receptacle is carried out about a common longitudinal axis, characterised in that the relative displacement is carried out by exerting a pressure force (F) on at least one of the assembly components (11, 1 a), approximately in the direction of the longitudinal axis.

Note: By turning the cap relative to the receptacle, a pressure force is exerted on the cap in the direction of the longitudinal axis.

2.7 **Document D5** discloses (the references between parentheses apply to said document):

2.8 [Claim 76]

A receptacle (10), said receptacle having two ends at a distance from each other in the direction of a longitudinal axis and said receptacle bounding an inner chamber, wherein at least one of the two ends has an open front side that can be sealed by

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Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement

the openable sealing device (34), and a separator device (64) can be inserted into its starting position through the open front side into the inner chamber, characterised in that at least one throughflow channel (Fig 8) between a container wall of the receptacle and the insertable separator device is configured in the region of the starting position of the insertable separator device (64).

- 3      DEPENDENT CLAIMS 2-18, 20-39, 41-75, 77, 92-107  
Claims 2-18, 20-39, 41-75, 77, 92-107 do not contain any features that, in combination with the features of any claim to which they refer, meet the PCT requirements for novelty or inventive step.